

FILED

UNITED STATES DISTRICT COURT  
For The  
WESTERN DISTRICT OF PENNSYLVANIA

2010 JUN -9 AM 10:18

CLERK  
DISTRICT COURT

U.S.A. vs. Emil James Henning, Jr.

Docket No. 06-00038-001

**Supplemental Petition on Supervised Release**

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Emil J. Henning, Jr., who was placed on supervision by the Honorable Gary L. Lancaster sitting in the Court at Pittsburgh, on the 30th day of November 2007, who on December 22, 2007, fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- Shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance.
- Shall submit to urinalysis as directed by the probation officer and shall participate in a substance abuse treatment program, if deemed necessary.
- Shall participate in a mental health evaluation and treatment program, if necessary, as directed by the probation officer.
- Shall cooperate in collection of DNA, as directed by the probation officer.

11-30-07: Possession With Intent to Distribute and Distribution of 5 Grams or More of Cocaine Base; 37 months' imprisonment, followed by 5 years' supervised release.

12-22-07: Sentence modified to 3 years' supervised release.

06-27-08: Released to supervision; Currently supervised by U.S. Probation Officer Andrew A. Waszyn

05-18-10: Warrant issued for supervised release violations (as approved on May 15, 2010).

05-24-10: Offender surrendered self to U.S. Marshal's Office; Initial appearance on supervised release violations; Offender released on unsecured bond with conditions; Supervised release show cause hearing scheduled for June 14, 2010.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:**

Your petitioner reports that the offender has violated the following terms of his supervision.

**Failure to report as directed.**

Since his release on bond for the violations in this matter, the offender has failed to submit his written monthly report for May 2010 which was due by June 5, 2010. The offender was directed to report to the probation office on June 2, 2010, but failed to report. He contacted this officer on that date and advised he did not have transportation. He was then directed to report on June 4, 2010, but failed to report.

**Failure to refrain from the use of illegal drugs.**

In addition to the positive drugs tests previously noted, on May 24, 2010, the offender submitted a urine sample that tested positive for cocaine. Additionally, a review of previous urine samples reveals that the offender tested positive for morphine on April 21, 2010, and on April 22, 2010. These positive test results were previously believed to be a prescription medication; however, the offender's prescribed medication would not test positive for morphine.

**Failure to submit to drug testing.**

The offender failed to report on June 2, 2010, for drug testing as directed. He advised he did not have transportation that date and was then directed to report on June 4, 2010; however, he failed to report that date as well.

**Failure to obey all laws.**

Indiana police have formally charged the offender in the incident occurring on May 7, 2010, as follows: 6 counts of Possession of Drug Paraphernalia; Altered, Forged or Counterfeit Documents or Plates (the offender allegedly altered the registration sticker on his vehicle); Driving Under Suspension; and Registration/Certificate of Title Required. A preliminary hearing is scheduled for June 24, 2010.

PRAYING THAT THE COURT WILL ORDER that the above-cited alleged violation of supervision be incorporated as part of the Petition Action previously made a part of the records in this case on May 15, 2010.

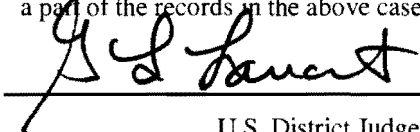
I declare under penalty of perjury that the foregoing is true and correct.

Executed  
on

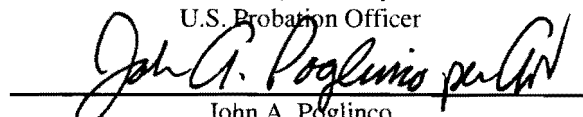
June 7, 2010

ORDER OF COURT

Considered and ordered this 10/10 day of  
June, 20 10 and ordered filed and made  
a part of the records in the above case.

  
\_\_\_\_\_  
U.S. District Judge

  
\_\_\_\_\_  
Andrew A. Waszyn  
U.S. Probation Officer

  
\_\_\_\_\_  
John A. Poglinco  
Supervising U.S. Probation Officer

Place: Johnstown, PA